

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRYAN LONEGAN, et al.,

Plaintiffs,

DECISION AND ORDER

- v -

CV-04-2743 (NG)(VVP)

DENNIS HASTY, et al.,

Defendants.

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At the conference in this matter held on November 29, 2006, the court reserved decision concerning various defendants' objections to (i) producing certain documents responsive to the plaintiffs' requests and (ii) providing other information in answers to certain interrogatories on the ground that the documents and other information were subject to protective orders issued by Magistrate Judge Gold in two matters before him: *Turkmen v. Ashcroft*, CV-02-2307, and *Elmaghraby v. Ashcroft*, CV-04-1809. After consultation with Judge Gold, the court overrules the defendants' objections based on that ground. Any documents and other information covered by those protective orders which are produced in this action, however, continue to be subject to those orders and the plaintiffs and their counsel in this action are hereby ordered to obtain and to comply with those protective orders.

Although the defendants' objections to production are overruled, as the United States was the source of the documents covered by the protective orders in the above actions, the United States is entitled to an opportunity to object to production of those documents in this action. Accordingly, the defendants are jointly hereby directed to serve a copy of this order on the United States (through counsel who represented the United States in connection with the productions in the *Turkmen* and *Elmaghraby* actions) within three days. Any objections to production that the United States may have shall be filed with the court by December 29, 2006.

If no objections are filed by the above deadline, the defendants who have withheld documents and answers to interrogatories on the basis of the protective orders in the *Turkmen* and *Elmaghraby* actions are to produce all such documents and answer such interrogatories by January 15, 2007. In order to reduce the burden of review and production of responsive documents, the defendants need not separately produce responsive documents found in the productions subject to the protective orders, but rather may jointly agree upon a single production on behalf of all defendants. If objections are filed timely by the government, production shall not be made until the objections are resolved.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
December 19, 2005